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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): LEE	Group Art Unit: 2176
Application No.: 10/692,793	Examiner: Quoc A. TRAN
Filed: 10/27/2003	Docket Number: 113708.129 US1
Title: COMPUTER ASSISTED AND IMPLEMENTED PROCESS AND SYSTEM FOR ANNOTATING AND/OR LINKING ...	Small Entity

Commissioner for Patents
Alexandria, VA 22314
Mail Stop: Notice of Appeal

Date: December 5, 2008

TRANSMITTAL LETTER FOR APPEAL BRIEF

Sir:

A Notice of Appeal was filed together with a Pre-Appeal Brief Request for Review on 23 July 2008. A Notice of Panel Decision from Pre-Appeal Brief Review maintaining the rejection was mailed on August 25, 2008. An appeal brief is filed herewith together with an extension of time measured from one month from the mailing of the Notice of Panel Decision. It is believed that no further notice of Appeal is due.

It should be noted that Applicant is submitting a Credit Card form for the Appeal Brief in the amount of $270, for small entity. Although no additional fee is believed to be due, please charge any additional fees or credit any refunds to Deposit Account 50-1147.

Respectfully submitted,

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12/05/2008 PCHOMP   00000007 501147   10692793
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee	Atty. Dkt.: 113708.129 US1
Serial No.: 10/692,793	Art Unit: 2176
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Commissioner for Patents
Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: 5 December 2008

BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

Sir:

Appellant hereby submits one copy of their Brief on Appeal under 37 C.F.R. § 1.192.

Serial No. 10/692,793   Attorney Docket No. 113708.129 US1

1. REAL PARTY IN INTEREST

The real party in interest is Eugene M. Lee by way of an unrecorded assignment or obligation to assign from Knowledge Management Objects, LLC. The assignment from the inventors to Knowledge Management Objects, LLC is recorded at Reel/Frame 014641/0874.

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2. RELATED APPEALS AND INTERFERENCES

The appellant identifies an appeal brief filed on 25 August 2008 in Ser. No. 10/229,273, (appeal number unassigned) of which this application is a continuation-in-part, and in which no decision has been rendered yet. There is other no known related appeal or interference that will directly affect, that will be directly affected by, or that will have a bearing on the Board's decision on this appeal.

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3. STATUS OF CLAIMS

Claims 1-3, 6-10, 13-18 and 20-54 are pending in the present application. Claims 1-3, 6-10, 13-18, 20-28 and 54 have been rejected and are now being appealed; claims 1-3, 6-10, 13-18, 20-28 and 54 are included in the attached Appendix A. Claims 29-53 are withdrawn and are not included in the attached Appendix A. Claims 4, 5, 11, 12 and 19 have been canceled and are not included in the attached Appendix A.

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4. STATUS OF AMENDMENTS

All amendments submitted by Appellant have been entered.

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5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1

The subject matter of independent claim 1 is discussed with reference to FIG. 12, 13 and FIG. 20, in which embodiments are illustrated. Claim 1 is directed to a computer-implemented system (FIG. 20) for providing annotated electronic documents. The annotations which are to be applied to the documents are stored in a first data storage (FIG. 20, reference 2011). The documents are stored in a second data storage (FIG. 20, reference 2005 or 2007). The first data storage and the second data storage are at least one of physically separate and logically separate.

The system includes an annotation component (FIG. 20, reference 2003; page 54, line 13 to page 55, line 6) configured to determine, responsive to at least one user, at least one annotation (FIG. 20, reference 2013) to be applied to at least one document (e.g., FIG. 13, annotation = 1305, document element = 1303; page 49, lines 3-7), including a selection resource (FIG. 20, reference 2017) to select at least a portion of the at least one document and to associate the at least one annotation therewith, and a mark-up resource (FIG. 20, element 2015) to at least one of add and edit the at least one annotation, wherein the annotation is image data or text, wherein each annotation can be different from every other annotation.

The system also includes a reference component (FIG. 20, reference 2019; page 55, lines 13-18), responsive to the at least one user, configured to at least one of establish, traverse, indicate, and remove, at least one reference (e.g., FIG 13, reference 1307; 1309; page 49, lines 8-9) between the at least one portion and at least one of an other portion of the at least one document, an other document, and at least one other portion of the other document (e.g., FIG. 13, reference 1313, 1315, 1317; page 49, lines 9-12).

The system also includes at least one merge component (FIG. 12, element 1201; page 44, lines 13 to page 46, line 15). The merge component is configured to retrieve the at least one

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document from the first data storage (FIG. 12, reference 1101; page 45, lines 13-16) as document data; to retrieve the at least one annotation to be applied to said at least one document (FIG. 12, reference 1103; page 45, lines 13-16) from a second data storage as annotation data; and to combine the annotation data and the document data to form a unitary single logical document (FIG. 12, reference 1207; FIG. 13, reference 1301; page 44, line 18-19; page 46, lines 3-15; page 50, lines 4-5), the single logical document displaying the annotation embedded seamlessly in the document data (page 32, lines 10-15).

Independent Claim 18

The subject matter of independent claim 18 is discussed with reference to FIG. 11, FIG. 12 and FIG. 20. Claim 18 is directed to a computer-implemented system (FIG. 20) for providing annotated electronic documents. The annotations which are to be applied to the documents are stored in a first data storage (FIG. 20, reference 2011), the documents are stored in a second data storage (FIG. 20, references 2005 or 2007), and the first data storage and the second data storage are at least one of physically separate and logically separate.

The system includes at least one merge component (FIG. 12, reference 1201; page 44, line 13 to page 46, line 15). The merge component is configured: to retrieve the at least one document from a first data storage (FIG. 12, reference 1101; page 45, lines 13-16) as document data, to retrieve at least one annotation to be applied to said at least one document (FIG. 12, reference 1103; page 45, lines 13-16) from a second data storage as annotation data, said document data including at least one element corresponding to a location of the at least one annotation within said document, wherein the annotation is image data or text, wherein each annotation can be different from every other annotation; and to combine the document data and the annotation data to form a unitary single logical document (FIG. 12, reference 1207; FIG. 13,

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reference 1301; page 44, lines 18-19; page 46, lines 3-15; page 50, lines 4-5) displaying the annotation embedded seamlessly in the document data at the location (page 32, lines 10-15).

The system also includes at least one split component (FIG. 11, reference 1111; page 43, line 20 to page 44, line 7) configured to extract the annotation data (FIG. 11, reference 1123) and the document data (FIG. 11, reference 1121) from the single logical document (FIG. 11, reference 1127), to update the at least one annotation in the first data storage (FIG. 11, reference 1103) from the extracted annotation data (FIG. 11, reference 1123), and to update the at least one document in the second data storage (FIG. 11, reference 1101) from the extracted document data (FIG. 11, reference 1121).

The system also includes at least one version component (FIG. 11 and FIG. 12, reference 1105, 1107; page 47, line19 to page 48, line 3), configured to at least one of manage a history of changes and to maintain a separate version for the document data (reference 1121, 1203) and the annotation data (references 1123, 1205) to be applied thereto.

Independent Claim 25

The subject matter of independent claim 25 is discussed with reference to FIG. 12, FIG. 13 and FIG. 20, similar to the discussion of claim 1 above. Claim 25 is directed to a computer-implemented system (FIG. 20) for providing annotated electronic documents. The annotations which are to be applied to the documents are stored in a first data storage (FIG. 20, reference 2011), and the documents are stored in a second data storage (FIG. 20, reference 2005 or 2007). The method includes the at least one of sequential, non-sequential and sequence-independent steps.

The steps include determining (FIG. 20, reference 2003; page 54, line 13 to page 55, line 6), in the computer system and responsive to a user, at least one annotation (FIG. 20, reference 2013) to be applied to at least one document (e.g., FIG. 13, annotation = 1305, document element

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= 1303; page 49, lines 3-7), including selecting (FIG. 20, reference 2017) at least a portion of the at least one document to be annotated, associating (FIG. 20, element 2015) the at least one annotation with the at least one portion, and editing the at least one annotation associated with the at least one portion, wherein the annotation is image data or text, wherein each annotation can be different from every other annotation.

The steps also include responsive to a user, at least one of establishing, traversing, indicating, and removing (FIG. 20, reference 2019; page 55, lines 13-18) at least one reference (e.g., FIG. 13, reference 1307, 1309; page 49, lines 8-9) from the at least one portion to at least one of an other portion of the at least one document, an other document, and at least one other portion of the other document (e.g., FIG. 13, reference 1313, 1315, 1317; page 49, lines 9-12).

The steps also include retrieving (FIG. 12, element 1201; page 44, line 13 to page 46, line 15), in the computer system, the at least one document from a first data storage (FIG. 12, reference 1101; page 45, lines 13-16) as document data, retrieving the at least one annotation to be applied to said at least one document (FIG. 12, reference 1103; page 45, lines 13-16) from a second data storage as annotation data, and combining the annotation data and the document data to form a unitary single logical document (FIG. 12, reference 1207; FIG. 13, reference 1301; page 44, lines 18-19; page 46, lines 3-15; page 50, lines 4-5), the single logical document displaying the annotation embedded seamlessly in the document data (page 32, lines 10-15).

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6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-3, 6-10, 13-18, 20-28 and 54 are unpatentable over U.S. Patent No.

6,877,137, Rivette et al. ("Rivette '137") in view of U.S. Patent No. 6,687,878, Eintracht et al.

("Eintracht").

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7. ARGUMENT

A. Rejection under 35 USC 103(a) over U.S. Patent No. 6,877,137, Rivette et al. ("Rivette '137") in view of U.S. Patent No. 6,687,878, Eintracht et al. ("Eintracht")

In the Office Action mailed 23 January 2008 (hereinafter "the January 2008 Office Action"), claims 1-3, 6-10, 13-18, 20-28 and 54 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,877,137, Rivette et al. ("Rivette '137") in view of U.S. Patent No. 6,687,878, Eintracht et al. ("Eintracht").

1.   **There is no *prima facie* case of obviousness because the references fail to teach or suggest at least one limitation recited in the claims.**

With regard to claims 1-3, 6-10, 13-18, 20-29 and 54, the January 2008 Office Action contends that the claimed invention is obvious over Rivette and Eintracht.

The factual determination of obviousness under 35 USC 103(a) requires the fact finder to find all the claim limitations as being taught or suggested by the reference (or references when combined). *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, it is necessary to identify the reason why a person of ordinary skill in the art would have combined allegedly known elements in the manner claimed. *KSR Int'l Co. v. Teleflex, Inc.* 550 U.S. ___, 82 U.S.P.Q.2d 1385 (2007). In summary, the fact finder must:

(1) identify the claim limitations,

(2) find where the claim limitations are taught or suggested in the reference, and

(3) identify the reason the known elements would have been combined in the manner claimed.

Independent Claims 1, 25, Dependent Claims 2, 3, 6, 8-10, 13-17, 26-28

The January 2008 Office Action fails to make a prima facie case of obviousness under 35 USC 103(a) because it does not consider limitations in the independent claims. In overview,

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independent claims 1 and 25 recite elements that that are neither disclosed nor suggested in Rivette `137 or Eintracht, for example:

- "at least one merge component configured to retrieve the at least one document ..., to retrieve the at least one annotation ..., and *to combine the annotation data and the document data to form a <u>unitary single logical document</u>, the single logical document displaying the annotation <u>embedded seamlessly</u> in the document data.*" (Claim 1; see also independent claim 25.)

To use a zipper analogy, the merge component zips together the annotation data and document data to form a "unitary single logical document." This allows the document data (such as a patent) to be marked up with annotations, so that the "single logical document" presents a unitary appearance, and is in fact a single document. However, the annotations are maintained separately from the document, e.g., so that unrelated users are protected from disclosing their marked-up documents to each other. (Specification page 32, lines 1-13).

The January 2008 Office Action admits that Rivette `137 does not teach the merge component, and cites Eintracht as teaching these elements. Eintracht's client displays document data (i.e., "image data") (FIG. 6, steps 118, 122), retrieves annotation data (i.e., "notes") from the server (step 124), stores notes received from the server within a local note database (step 134), and then displays the notes (step 136) in the form of a "stick note" layered on top of the image (see also Col. 14, line 59 to Col. 15, line 14). Changes to the notes are buffered and returned to the server for synchronization. To return to the zipper analogy, Eintracht simply provides for layering the separate parts of the zipper on top of each other; just as layering parts of a zipper does not make a unitary zipper, layering different documents does not make a unitary single logical document.

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The basic problem with the January 2008 Office Action is the improper finding that

Eintracht's layering of separate note documents over the image document constitutes the merge

component with the *unitary single logical document* displaying the annotation embedded

seamlessly in the document data (January 2008 Office Action, page 10, lines 9-18). Eintracht

FIG. 1B illustrates the annotations overlying the document (Col. 14, lines 17-19). According to

Eintracht, "the annotations are transmitted from the server independent of the data transmitted

that is related to the viewed document. At the client side, the client application layers the

annotations over the image (or document) in accordance with the coordinates of each" (col. 2,

lines 51-55). A mark-up of Eintracht FIG. 1B is reproduced below, showing the single document

window (14) in which annotations (16) are displayed over the image but are not part of the image
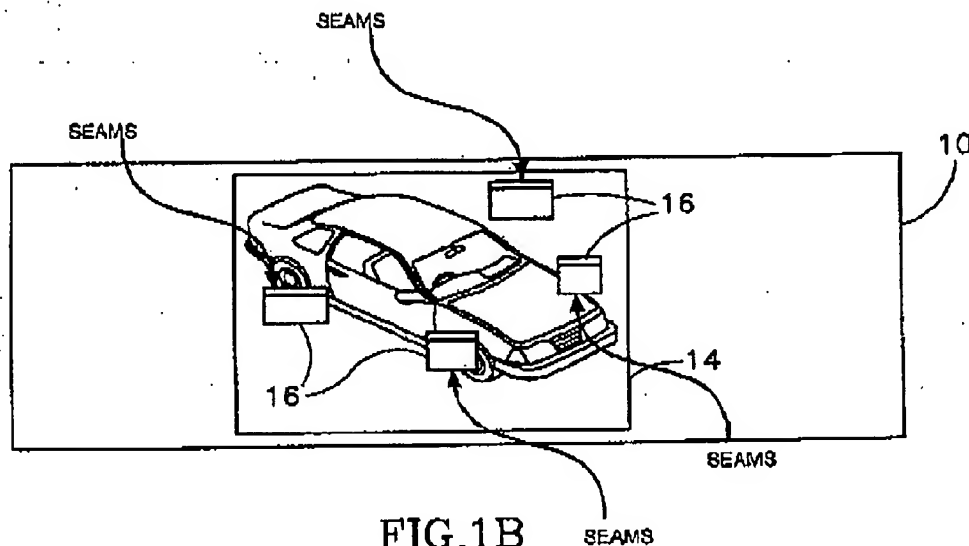
itself:

FIG.1B

As one can easily see, Eintracht's annotations (16) are not embedded "seamlessly" in the

document (14). To the contrary, Eintracht refers to its annotations (16) as "stick" notes, and they

have visible seams. An "annotation with seams layered on the document data" is clearly not "the

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annotation embedded seamlessly," no matter how broadly the term "seamlessly" is interpreted. Consequently, Rivette '137 and Eintracht fail to teach or suggest combining the annotation data and document data to form a single logical document "displaying the annotation *embedded seamlessly in* the document data."

The proposed combination of Rivette '137 and Eintracht still requires multiple documents where the annotations are separate documents layered on the document data – certainly not a "single" document. As a practical matter, the Rivette '137/Entracht layered documents cannot be displayed and treated altogether as a single document.

The examiner incorrectly finds that a "*a unitary single logical document, the single logical document displaying the annotation embedded seamlessly in the document data*" means a document with visibly separate electronic sticky note documents layered on top, to the contrary of the words of the claims themselves. "During examination, the patent application claims may be given their broadest interpretation consistent with the specification, in order to facilitate sharpening and clarifying the claims at the application state." *In re Buszard,* (06-1489, Fed. Cir. Sep. 27, 2007). To find that a "*a unitary single logical document, the single logical document displaying the annotation embedded seamlessly in the document data*" means a "document with visibly different sticky note documents layered on top" is contrary to the claims. Such an interpretation is unreasonably broad, and cannot withstand scrutiny.

In *In re Buszard,* (06-1489, Fed. Cir. Sep. 27, 2007), the Federal Circuit Court of Appeals recently explained that "during examination, the patent application claims may be given their broadest interpretation consistent with the specification, in order to facilitate sharpening and clarifying the claims at the application state." In *In re Buszard,* the court overruled the rejection and explained that the examiner used an unreasonably broad interpretation of a "flexible foam

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mixture" when he construed that wording to include a rigid foam mixture crushed into small

particles which can ultimately produce a flexible foam mixture. *In re Buszard* is not much

different than the present application. Whereas in *In re Buszard*, the examiner contends that

unrelated small particles together produce a flexible foam mixture (because the crushed particles

are flexible and together constitute a "foam," as broadly interpreted), here the examiner contends

that unrelated documents layered together produce a unitary single logical document.

A "single" document or a "unitary" document cannot be construed to encompass "layered

multiple documents". As with *In re Buszard*, the examiner's interpretation of "single" document

or "unitary" document as encompassing multiple layered documents is unreasonably broad.

The examiner responds on page 10, lines 18-22 of the January 2008 Office Action that

the plain meaning of "single" unitary document is inconsistent with the specification, by

referring to appellant's specification, page 33, lines 13-18 which states that a document can be

patent data and there is annotation data marking up the patent. Consistent with the plain

meaning of the word "single", the specification continues on to explain how to zip together the

annotations and document into a single document:

> Consider that one of these, for illustration purposes, is a patent document and the other is
> annotation data marking up the patent. The annotation data includes, within the set of its
> information, an association between one or more individual annotations, and the location of the
> item or section within the patent document (the "entity") that the annotation refers to, for
> example, specific claims in a patent. So, if (as in this example) the user has annotated a
> particular claim in the specified patent, then the annotation includes a reference corresponding to
> the identifier for the entity corresponding to that claim. (There are a number of ways by which
> an "entity" within a document could be uniquely identified, e.g., offset from document start,
> logical division, etc.) According to one or more embodiments of the present invention, the
> annotation merge component 307 processes document data and annotation data (e.g., with an
> XML parser 308), identifies the one or more entities, within the document with a particular
> annotation, extracts the annotation (e.g., as an XML mark-up fragment), and **embeds the
> annotation within the section of the document** (e.g., an XML section) for the referenced entity
> within the document.
> In accordance with one or more embodiments of the present invention, there are provided
> two (or more) different documents, one containing annotations and the other containing the

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document, both including a respective series of entities. The annotation document(s) is broken up into the individual entities; the documents are parsed and **it is determined where the annotation entities go in the document; and the document is fattened into a marked-up document.** The fattened mark-up document is then returned to the data analyzer as the document in the proper format (e.g., XML) via data analyzer communication 323.

The data analyzer then may, at that point, work with the mark-up document as if it is a single document. **That the marked-up document originated from two or three or more different sources,** according to one or more embodiments of the present invention, **is transparent** to the data analyzer. According to one or more embodiments of the present invention, the data analyzer receives, processes, and/or acts on the marked-up document as a unitary document, and when done, returns it as a unitary document.

(Specification, page 33 line 13 to page 34, line 19, emphasis added.)

In short, the examiner is ignoring the plain meaning of limitations in the claims in favor of an overly broad interpretation. The overly broad interpretation is not justified by the specification.

For at least these reasons, the combination of features recited in independent claims 1, 25, and dependent claims 2, 3, 6, 8-10, 13-17, 26-28, when interpreted as a whole, is submitted to patentably distinguish over the prior art.

Independent Claim 18, Dependent Claims 7, 20-24

Independent claim 18 recites a "merge component," as with independent claim 1. Thus, Independent claim 18 is deemed to be allowable over Rivette '173 and Eintracht for the reasons provided above in connection with claim 1, and arguments presented above with respect to claim 1 are expressly incorporated herein.

Additionally, independent claim 18 recites "split component":

at least one split component configured: *to extract the annotation data and the document data from the single logical document,* to update the at least one annotation in the first data storage from the extracted annotation data, and *to update the at least one document in the second data storage from the extracted document data.*

To return to the zipper analogy, the merge component and split component respectively provide zipping and unzipping of annotation data and document data. (See also dependent claim

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7.) Eintracht, in contrast, simply provide for layering the separate parts of the zipper, and unlayering just the annotation part.

As mentioned above, the basic problem with the January 2008 Office Action is the improper finding that Eintracht's layering of separate note documents over the image document constitutes the *unitary single logical document* displaying the annotation embedded *seamlessly* in the document data (January 2008 Office Action, page 10, lines 9-18).

The January 2008 Office Action fails to make a prima facie case of obviousness under 35 USC 103(a) because it does not consider two additional limitations in independent claim 18.

The January 2008 Office Action admits that Rivette '137 does not teach the split component, and cites Eintracht as teaching these elements. Eintracht's client displays document data (i.e., "image data") (FIG. 6, steps 118, 122), retrieves annotation data (i.e., "notes") from the server (step 124), stores notes received from the server within a local note database (step 134), and then displays the notes (step 136) in the form of a "stick note" that appears on top of the image (see also Col. 14, line 59 to Col. 15, line 14). Changes to the notes are buffered and returned to the server for synchronization. (Col. 15, line 64 to Col. 16, line 4 and lines 38-43.) Notably, Eintracht only addresses collaboration with asynchronous exchange of annotations, but discloses nothing about changes to the document itself.

First, the examiner incorrectly finds that Eintracht teaches the limitation in the split component, "to *extract* the annotation data and the document data *from the single logical document*." The January 2008 Office Action argues that Eintracht teaches the split component (January 2008 Office Action page 12, line 11 to page 14, line 3 and page 31, line 15 to page 33, line 33), but never discusses where a reference teaches the limitation "to *extract* the annotation data and the document data *from the single logical document*" and appears to have completely

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skipped this limitation. For example, the January 2008 Office Action's quote from claim 18 is simply missing this limitation. The January 2008 Office Action's detailed discussion of claim 7 (January 2008 Office Action, page 16, line 12 to page 18, line 11) mentions the word "extract" but is similarly deficient, since it is copied from the rejection of independent claim 18.

The omission of discussion of where Eintracht teaches "to extract the annotation data and the document data from the single logical document" is not trivial since Eintracht's notes are not "extracted" from the single logical document. To the contrary, according to Eintracht, changes to notes are entered in the client's local notes database, buffered in the client's note buffer, and later posted as Annotation Events to the server to be merged into the server's Notes Database (Col. 15, lines 39-40; Col. 16, lines 2-19). Where is Eintracht's "extraction" of "annotation data and document data from the single logical document"?

The Examiner should note M.P.E.P. 1207.02, "Contents of Examiner's Answer", as follows:

> (A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer **is required to include**, under appropriate headings, in the order indicated, the following items: ...
>
> (9)(e) For each rejection under 35 USC 102 or 103 where there are questions as to how limitations in the claims correspond to features in the prior art even after the examiner complies with the requirements of paragraphs (c) and (d) of this section, the examiner must compare at least one of the rejected claims feature by feature with the prior art relied on in the rejection. The comparison must align the language of the claim side-by-side with a reference to the specific page, line number, drawing reference number, and quotation from the prior art, as appropriate. (Emphasis added.)

Second, the examiner also incorrectly finds that Eintracht teaches "to update the at least one **document** in the second data storage **from the extracted document data**." In comparison to claims 7 and 18, Eintracht does not update the *document data* (Eintracht's image) from the alleged unitary document — Eintracht discloses updating only the notes. The office action cites Eintracht, Col. 3., lines 35-50 as merely storing documents separately from notes, but does not

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state where Eintracht discloses updating the stored document "from the extracted document data" which was extracted from the single logical document. Furthermore, since Eintracht does not provide for changing the document itself, there is no need for Eintracht to update the document data. Eintracht simply operates completely differently from the recited invention.

For at least these additional reasons, the combination of features recited in independent claim 18 and dependent claims 7 and 20-24, when interpreted as a whole, is submitted to patentably distinguish over the prior art.

Dependent Claim 54

Dependent claim 54 further recites "an annotation tool...; an edit tool ...; and a reference tool ...". Claim 54 depends from Claim 25, and is therefore deemed to be allowable over the references for the reasons given above with respect to Claim 25.

In addition, in the rejection of claim 54, the January 2008 Office Action relies on allegedly well known operations and to support the assertion of that this is well known. In accordance with MPEP 2144.03, the examiner chooses to rely on documentary evidence, i.e., the Microsoft Word for Windows Users Guide, 1994, which the office action states is "incorporated herein by reference in its entirety" (January 2008 Office Action, page 30, lines 1-3). However, the examiner refuses to make the reference of record.

If the examiner chooses to apply a reference, as done here, the examiner must make the reference of record. In re Zurko, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001); ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test) (emphasis added). The examiner cannot make a reference of record by attempting to incorporate by reference "in its entirety" and by stating that it is publicly available.

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For this reason, in addition to the reasons provided above, it is respectfully submitted that

the examiner's rejection of claim 54 cannot be maintained.

8. CONCLUSION

For at least these reasons, the January 2008 Office Action contains clear legal and factual

errors and has failed to make a prima facie case of obviousness with respect to 1-3, 6-10, 13-18,

20-28 and 54. Accordingly, Appellant respectfully submits that claims 1-3, 6-10, 13-18, 20-28

and 54 are patentable under 35 U.S.C. §103(a) over the combination of references. The

Examiner's rejection of claims 1-3, 6-10, 13-18, 20-28 and 54 on these grounds is therefore

improper and should be reversed.

Respectfully submitted,

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APPENDIX A -- LISTING OF THE CLAIMS

The following is a copy of the claims involved in this appeal.

1. A computer-implemented system for providing annotated electronic documents, the annotations which are to be applied to the documents being stored in a first data storage, the documents being stored in a second data storage, the first data storage and the second data storage being at least one of physically separate and logically separate, said system comprising:

   (A)   an annotation component configured to determine, responsive to at least one user, at least one annotation to be applied to at least one document, including a selection resource to select at least a portion of the at least one document and to associate the at least one annotation therewith, and a mark-up resource to at least one of add and edit the at least one annotation, wherein the annotation is image data or text, wherein each annotation can be different from every other annotation;

   (B)   a reference component, responsive to the at least one user, configured to at least one of establish, traverse, indicate, and remove, at least one reference between the at least one portion and at least one of an other portion of the at least one document, an other document, and at least one other portion of the other document; and

   (C) at least one merge component configured:

   to retrieve the at least one document from the first data storage as document data,

   to retrieve the at least one annotation to be applied to said at least one document from a second data storage as annotation data, and

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to combine the annotation data and the document data to form a unitary single

logical document, the single logical document displaying the annotation embedded

seamlessly in the document data.

2. The system of claim 1, further comprising:

a view component operatively connected to the annotation component to edit,

responsive to the at least one user, the at least one portion of the at least one document

selected by the selection resource.

3. The system of claim 1, wherein the at least one merge component is further configured

to display the single logical document as a representation of the at least one document.

6. The system of claim 1, wherein at least one of the single logical document, and the

document data is at least one of: XML format, binary format, image data, video data, and

audio data.

7. The system of claim 1, further comprising:

at least one split component, responsive to said single logical document,

configured:

to extract the annotation data and the document data from the single logical

document,

to update the at least one annotation in the first data storage from the extracted

annotation data, and

to update the at least one document in the second data storage from the extracted

document data.

8. The system of claim 1, wherein the at least one annotation indicates an evaluation of

at least one legal property relative to the at least one document.

9. The system of claim 1, further comprising:

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at least one version component, configured to at least one of manage a history of

changes and maintain at least one separate version for the at least one document and the

at least one annotation applied thereto.

10. The system of claim 1, further comprising:

at least one schema configured to identify at least one tag in at least one of the at

least one portion, the at least one document, and the at least one annotation.

13. The system of claim 1, the at least one annotation being associated with the at least

one user, the at least one document being accessible by the plurality of users including

the at least one user, and wherein the merge component is further configured, responsive

to a request for the at least one document from the at least one user, to limit the

annotation data included in the single logical document to annotations associated with the

at least one user.

14. The system of claim 1, wherein the at least one annotation further includes at least

one of: a pre-defined notation, a user-provided text, a user-defined attribute, a reference

to a URL, and a reference to an other file.

15.   The system of claim 1, wherein the at least one document is representative of at

least one of: a patent document, a trademark document, a copyright document, a product

description document, a license document, a sui generis protection document, a design

registration document, a trade secret document, and an opinion document.

16. The system of claim 1, further comprising:

(C)   a report component, responsive to a user, configured to provide a report

listing each annotation in the at least one document, and in visual correspondence thereto

a summary of each portion in the at least one document that is associated with each

annotation; and

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(D)   a map component, responsive to the user, configured to list a summary of each portion in the at least one document, each annotation in the at least one document including the at least one annotation, and each reference from the at least one portion of the document, including the at least one reference, wherein each annotation and each reference is visually linked to a corresponding portion listed in the summary.

17. The system of claim 1, wherein the at least one document is an intellectual property document.

18. A computer-implemented system for providing annotated electronic documents, the annotations which are to be applied to the documents being stored in a first data storage, the documents being stored in a second data storage, the first data storage and the second data storage being at least one of physically separate and logically separate, said system comprising:

(A)   at least one merge component, configured:

to retrieve the at least one document from a first data storage as document data,

to retrieve at least one annotation to be applied to said at least one document from a second data storage as annotation data, said document data including at least one element corresponding to a location of the at least one annotation within said document, wherein the annotation is image data or text, wherein each annotation can be different from every other annotation; and

to combine the document data and the annotation data to form a unitary single logical document displaying the annotation embedded seamlessly in the document data at the location;

(B)   at least one split component configured:

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to extract the annotation data and the document data from the single logical

document,

to update the at least one annotation in the first data storage from the extracted

annotation data, and

to update the at least one document in the second data storage from the extracted

document data; and

(C)   at least one version component, configured to at least one of: manage a

history of changes and to maintain a separate version for the document data and the

annotation data to be applied thereto.

20. The system of claim 18, wherein at least one of the logical single document, and the

document data is at least one of: XML format, binary format, image data, video data, and

audio data.

21. The system of claim 18, further comprising a schema configured to identify at least

one tag in the at least one element, and logic to determine tags for at least one of the

document data, the annotation data, and the at least one marked-up representation.

22. The system of claim 18, wherein the annotation data further includes at least one of:

a pre-defined notation, a user-provided text, a user-defined attribute, and at least one

reference to at least one of: an element in the document, an element in an other document,

a URL, and an other file.

23. The system of claim 18, wherein the document data is representative of at least one

of: a patent document, a trademark document, a copyright document, a product

description document, a license document, a sui generis protection document, a design

registration document, a trade secret document, and an opinion document.

24. The system of claim 18, further comprising:

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(D) a report tool, configured to provide, from the single logical document, a report listing a summary of elements in the single logical document and in visual correspondence thereto, each annotation in the single logical document; and

(E) a map tool, responsive to the user, configured to list, from the single logical document, a summary of each element in the single logical document, each annotation in the single logical document including the at least one annotation, and each reference in the single logical document including the at least one reference, wherein each annotation and each reference are visually linked to a corresponding element listed in the summary.

25. In a computer-implemented system for providing annotated electronic documents, the annotations which are to be applied to the documents being stored in a first data storage, the documents being stored in a second data storage, a method for annotating documents, implemented by a computer system, said method comprising the at least one of sequential, non-sequential and sequence-independent steps of:

(A)   determining, in the computer system and responsive to a user, at least one annotation to be applied to at least one document, including selecting at least a portion of the at least one document to be annotated, associating the at least one annotation with the at least one portion, and editing the at least one annotation associated with the at least one portion, wherein the annotation is image data or text, wherein each annotation can be different from every other annotation; and

(B) responsive to a user, at least one of establishing, traversing, indicating, and removing at least one reference from the at least one portion to at least one of an other portion of the at least one document, an other document, and at least one other portion of the other document; and

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(C) retrieving, in the computer system, the at least one document from a first data storage as document data, retrieving the at least one annotation to be applied to said at least one document from a second data storage as annotation data, and combining the annotation data and the document data to form a unitary single logical document, the single logical document displaying the annotation embedded seamlessly in the document data.

26. The method of claim 25, further comprising: providing, from the single logical document, a report listing each annotation in the at least one document, and in visual correspondence thereto a summary of each portion in the at least one document that is associated with each annotation; and

providing a map listing a summary of each portion in the at least one document, each annotation in the at least one document including the at least one annotation, and each reference from the at least one portion of the document, including the at least one reference, wherein each annotation and each reference is visually linked to a corresponding portion listed in the summary.

27. The method of claim 25, wherein the at least one annotation further includes at least one of: a pre-defined notation, a user-provided text, a user-defined attribute, a reference to a URL, and a reference to an other file.

28. The method of claim 25, wherein the at least one document is representative of at least one of: a patent document, a trademark document, a copyright document, a product description document, a license document, a sui generis protection document, a design registration document, a trade secret document, and an opinion document.

54. The system of claim 18, further comprising:

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an annotation tool, responsive to a user, configured to input annotation data to be applied to the at least one document, including a selection resource to select at least one element of the document data to be annotated, and a mark-up resource to at least one of add and edit annotation data corresponding to the at least one element;

an edit tool, responsive to a user, configured to select the at least one element, and to edit the at least one element, including a representation of the at least one selected element, and a representation of the at least one annotation data; and

a reference tool, configured to determine at least one reference to the at least one element and at least an other element of at least one document, and to enable the at least one reference to be traversed by the user.

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APPENDIX B – EVIDENCE

None.

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APPENDIX C – RELATED PROCEEDINGS

None.

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